



# City of Seattle

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Gregory J. Nickels, Mayor  
Department of Planning & Development  
D. M. Sugimura, Director

## **CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2202646  
**Applicant Name:** Richard Woeck  
**Address of Proposal:** 1341 North Northlake Way

### **SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Permit to repair and replace an existing 8.5 foot high by 100 foot long retaining wall. Project includes paving 7,250 square feet of existing storage for boatyard.

The Seattle Municipal Code (SMC) requires the following approvals:

**Shoreline Substantial Development Permit** - To allow the repair of an existing wall and the paving of a boatyard in an Urban Maritime (UM) Shoreline Environment - (SMC 23.60.720)

**SEPA - Environmental Determination** - (SMC 25.05)

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

### **BACKGROUND DATA**

#### Existing Site & Vicinity Description

The subject site, located on Lake Union at 1341 North Northlake Way, comprises 61,700 square feet and houses three buildings containing boat shops and offices on the western portion of the property and a dock and a large boat yard on the eastern portion. North Northlake Way and the Burke Gilman Trail run north of the site.

Zoned Industrial Commercial with a maximum height limit of 45 feet (IC-45), the property is on Lake Union and within the Urban Maritime (UM) shoreline environment.

### Area Development

The subject site lies halfway between the Aurora Bridge and Gas Works Park within a commercial and industrial corridor along the northwest shoreline of Lake Union. Neighboring uses includes several marinas, office buildings, and ship and boat repair facilities. Zoning in the immediate vicinity is Industrial Commercial with a 45 foot height limit. To the west, the zoning shifts to Commercial Two with a thirty foot height limit (C2-30). Waterway 21 borders the subject property to the east.

### Proposal

In 1999, a portion of a retaining wall supporting the street right-of-way collapsed and was the subject of an Emergency Shoreline Exemption obtained by the applicant. The applicant's property lies approximately eight feet below the street level. Thus, use of the property was threatened by the wall's failure. The applicant used approximately 200 cubic yards of soil to accommodate the new wall and paved approximately 7,250 square feet of the existing boat yard with concrete, tying into the new retaining wall. Upon inspection, the City of Seattle – DPD issued a notice of violation for the extension of the wall into the property and for paving the boatyard. Both actions were only tangentially related to the reconstruction of the wall authorized by the Emergency Shoreline Exemption. The applicant has applied for the MUP in order to legalize the additional work done on the wall and the paving of the boatyard.

The project includes repair, replacement and extension of the 8.5 high by 100 foot long retaining wall and the surfacing of 7,250 square feet of the Honda Marine boatyard.

### Public Comment

No comments were received during the official public comment period which ended November 29, 2002.

## **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

### Substantial Development Permit Required

The proposed project lies within an Urban Maritime Shoreline Environment as designated by the Seattle Shoreline Master Program (SSMP). This program, Section 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts, to implement the policy and provisions of the Shoreline Management Act of 1971, and the Shoreline Goals and Policies.

The SSMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a shoreline environment. SMC Section 23.60.030 includes criteria for evaluating a shoreline permit. A substantial development permit shall be issued only when the development proposed is consistent with:

- A. The policies and procedures of Chapter 90.58 RCW;
- B. The regulations of this Chapter; and
- C. The provisions of Chapter 173-27 WAC.

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60., that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The proposal to add a permanently moored vessel as described above is consistent with the policies and procedures of Chapter 90.58 RCW and the provisions of Chapter 173-27 WAC.

B. THE REGULATIONS - CHAPTER 23.60

The regulations of Section 23.60.064 SSMP require that the proposed use(s): 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district; and 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

SSMP 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the Shoreline district.

The proposal site is located in an area designated as Urban Maritime, the purpose of which is to preserve areas for water-dependent and water-related uses while still providing some views of

the water from the adjacent streets and upland residential streets. Locational criteria for UM environment includes areas where the underlying zoning is Industrial or Commercial 2; areas with sufficient dry land for industrial uses; areas developed predominantly with water-dependent manufacturing or commercial uses or a combination of manufacturing-commercial and recreational water-dependent uses; and areas with concentrations of state waterways for use by commerce and navigation, areas near, but not necessarily adjacent to residential or neighborhood commercial zones which require preservation of views and protection from the impacts of heavy industrialization.

Goals for Shoreline use in the Seattle Comprehensive Plan include encouraging uses that result in long-term over short-term benefits, and the integration and location of compatible uses within segments of the shoreline. The goals for economic development include encouraging economic activity of water-dependent uses.

#### Development Standards

The proposal to repair a retaining wall and pave a boatyard is permitted outright in SMC 23.60.720 governing the UM shoreline environment. The proposed action is therefore subject to:

1. The general development standards for all shoreline environments (SSMP 23.60.152);
2. The development standards for uses in the UM environment (SSMP 23.60.720); and,
3. The development standards for Industrial Commercial zone (SMC 23.50).

1. General Development Standards for all Shoreline Environments (SSMP 23.60.152)

These general standards apply to all uses in the shoreline environments. They require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline.

General development standards (SSMP 23.60.152) state that Best Management Practices (BMP's) shall be followed for any development in the shoreline environment. These measures are required to prevent contamination of land or water. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. Therefore, approval of the substantial development permit will be conditioned to require application of construction BMP's.

The proposed project's design is consistent with the requirements of this section.

2. Development Standards for UM Shoreline Environment (SSMP 23.60.720)

The subject lot is considered a waterfront lot as defined in SMC 23.60.924. Development standards for waterfront lots in the Urban Maritime environment address height limits, lot coverage, view corridors, and public access. The proposal does not alter the physical development on the site and retains compliance with the development standards.

In summary, as designed, the proposal is supported by both the purpose of the UM shoreline environment and the policies set forth in the Comprehensive Plan. The structure would remain

consistent with the underlying Industrial Commercial-45 zoning and in character with surrounding development, and conforms to the general development standards and the requirements of the underlying downtown zone.

3. Development Standards for Industrial Commercial Zones (SSMP 23.50.-015 - 050)

The development standards in SMC 23.50.015 - 23.50.050 relate to general provisions and parking in the Industrial Commercial-45 zone. Each of these provisions has either been met or is not affected by the proposal.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

**DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

The proposed action is **GRANTED**.

**ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by the applicant dated October 18, 2002. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

**Short-term Impacts**

The following temporary or construction/demolition-related impacts are expected: minor decreased air quality due to suspended particulates from building and demolition activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of

the identified impacts. Additionally, these impacts are minor in scope and are not expected to have significant adverse impacts. However, due to the density and close proximity of residential uses, further analysis of construction impacts is warranted.

Water Quality

There is the potential for debris to enter the water during construction and demolition, so care will have to be taken to prevent this from occurring. In addition to the requirements set forth by 23.60.152 SSMC, measures to protect water quality shall also be followed as conditioned below.

**DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency, of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030.(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

**CONDITIONS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT AND SEPA**

The owner(s) and/or responsible party(s) shall:

Prior to Issuance of a Master Use Permit

1. Remove all the abandoned piles, concrete debris, logs, cable, and steel material from the open water area that is on the south and east sides of the subject property.
2. Recycle or dispose of the material removed from the water at the subject site at the appropriate upland facilities.

Signature: (signature on file) Date: January 19, 2004  
Bruce P. Rips, AICP, Land Use Planner  
Department of Planning and Development  
Land Use Services